

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Bantz et al.	§	
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Serial No.: 09/852,110	§	Group Art Unit: 2626
	§	
Filed: May 9, 2001	§	Examiner: Pierre, Myriam
	§	
For: Apparatus, System and Method for Providing Speech Recognition Assist in Call Handover	§	Attorney Docket No.: YOR920010328US1
	§	
	§	

**Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

35526
PATENT TRADEMARK
OFFICE CUSTOMER

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Response to Office Action forming the basis of the abandonment was filed on May 8, 2006, and the office action mailed from the USPTO on February 9, 2006, was verified by the Examiner as a **non-final** office action.

I attach a copy of the Response to Office Action dated May 8, 2006, a copy of the Firm's facsimile confirmation dated May 8, 2006 and a copy of the USPTO Auto-Reply Facsimile Transmission dated May 8, 2006 showing receipt of the Response to Office Action in question. The office action in question dated February 9, 2006, to which the Response to Office Action was filed on May 8, 2006, in fact, was a **non-final** office action.

On February 16, 2006, Monica Gamez, legal assistant for Yee & Associates, P.C. (the “Firm”) contacted Examiner Pierre and requested clarification whether the action was a non-final action or a final action. Examiner Pierre stated that it was a final office action. Examiner Pierre stated she would mail an Interview Summary documenting the conversation. No Interview Summary was received. The action was docketed as a final office action and forwarded to the Firm’s attorney, Peter B. Manzo.

On April 4, 2006, Peter B. Manzo, attorney for the Firm conducted a teleconference with Examiner Pierre. Attorney Manzo and Examiner Pierre discussed the finality of the office action dated February 9, 2006. Examiner Pierre confirmed during the teleconference that the office action dated February 9, 2006, was a **non-final** office action. The Affidavit of Peter B. Manzo is attached.

On April 13, 2006, Monica Gamez spoke with Examiner Pierre who stated that the office action mailed on February 9, 2006 was a **non-final** office action. Upon the request of the Firm’s attorney, Peter B. Manzo, Ms. Gamez requested that the office action be reissued. A copy of the Memo to File is attached, as well as the Affidavit of Monica Gamez. Examiner Pierre stated she would have to speak with her supervisor. No response was received to the request.

On May 8, 2006, a Response to Office Action was filed. In the Remarks/Arguments on page 7 of that response, the telephonic interview with Examiner Pierre on April 4, 2006 is summarized, again stating the office action dated February 9, 2006 was a **non-final** office action.

On May 19, 2006, the USPTO mailed an Advisory Action stating “THE REPLY FILED 08 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal.”

On June 15, 2006, Dell Whitton, paralegal for the Firm, left a voice message for Examiner Pierre and explained that no final office action was mailed and the Advisory Action mailed on May 19, 2006 was in error. No return call was received.

On June 28, 2006, Dell Whitton left another voice message for Examiner Pierre. No return call was received.

On July 5, 2006, Dell Whitton called and spoke with Examiner Pierre. Examiner Pierre stated that we should wait until we hear back from her and there was nothing the Firm needed to do at this time.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn and prosecution reopened.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510.

Dated: February 2, 2007

Respectfully submitted,

/Peter B. Manzo/

Peter B. Manzo
Reg. No. 54,700
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
972/385-8777
Attorney for Applicants

- Enclosure(s):
1. Copy of the Office Action dated February 9, 2006, showing non-final office action in the Office Action Summary.
 2. Copy of Memo To File dated February 16, 2006.
 3. Copy of Memo To File dated April 21, 2006.
 4. Copy of the Response to Office Action dated May 8, 2006, confirming that Examiner Pierre stated the Office Action dated February 9, 2006, was a non-final action.
 5. Affidavit of Monica Gamez, legal assistant for the Firm.
 6. Affidavit of Dell Whitton, paralegal for the Firm.
 7. Affidavit of Peter B. Manzo, attorney for the Firm.
 8. Copy of the Notice of Abandonment dated January 3, 2007.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bantz et al.**

Serial No.: **09/852,110**

Filed: **May 9, 2001**

For: **Apparatus, System and Method
for Providing Speech Recognition
Assist in Call Handover**

§ Group Art Unit: **2626**

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§ Examiner: **Pierre, Myriam**

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§ Attorney Docket No.: **YOR920010328US1**

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AFFIDAVIT OF PETER B. MANZO

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Peter B. Manzo, being of sound mind and legal age, and fully aware of the punishable nature of making untrue statements as Affiant herein, do hereby attest to personal knowledge of the following:

I am employed by the law firm of Yee & Associates, P.C. (the "Firm"), as an Attorney at Law, in which capacity I personally prosecute patent applications on behalf of the Firm and IBM Corporation (the "Client").

Upon receiving an office action from the Firm's legal assistant, Monica Gamez, I review all issues of the office action concerning the application. I then contact the Examiner for a teleconference to discuss issues concerning the prosecution of the application.

In reviewing the office action dated February 9, 2006, I noticed that the Office Action Summary stated this action was a non-final action, however, in the Conclusion section on page 14 it stated "THIS ACTION IS MADE FINAL". On April 4, 2006, I contacted Examiner Pierre and requested clarification whether this was a non-final action or a final action. Examiner Pierre stated that it was a **non-final** action.

I returned the file to Monica Gamez to re-docket the office action as a **non-final** action. No Notice of Appeal or Request for Continued Examination was docketed since Examiner Pierre stated the action dated February 9, 2006 was a **non-final action**.

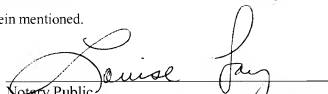
In the Remarks/Arguments on page 7 of the Response to Office Action filed on May 8, 2006, the telephonic interview with Examiner Pierre on April 4, 2006 is summarized, again stating the office action dated February 9, 2006 was a **non-final** office action.

Sworn to and attested as follows at Dallas, Texas on Friday, February 2, 2007:

AFFIANT:


Peter B. Manzo

On this the 2nd day of February, 2007, personally appeared before me Monica Gamez, to me known to be the person named in and who executed the above instrument, and acknowledged that she executed the same for the uses and purposes therein mentioned.


Notary Public
My commission expires: Nov. 28 2009

(seal)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bantz et al.**

Serial No.: **09/852,110**

Filed: **May 9, 2001**

**For: Apparatus, System and Method
for Providing Speech Recognition
Assist in Call Handover**

§ Group Art Unit: **2626**

§

§ Examiner: **Pierre, Myriam**

§

§ Attorney Docket No.: **YOR920010328US1**

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AFFIDAVIT OF MONICA GAMEZ

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Monica Gamez, being of sound mind and legal age, and fully aware of the punishable nature of making untrue statements as Affiant herein, do hereby attest to personal knowledge of the following:

I am employed by the law firm of Yee & Associates, P.C. (the "Firm"), as a Legal Assistant, in which capacity I personally receive all client related materials requiring further action and docketing on behalf of the Firm and IBM Corporation (the "Client").

Upon receiving an office action from the USPTO, I review the Office Action Summary and the Conclusion section of the office action, and, if there is any discrepancy, I contact the Examiner for clarification whether the office action is a non-final action or a final action. I then document that conversation with a Memo To File in the applicable docket file and request an Interview Summary as documentation of our conversation.

In reviewing the office action dated February 9, 2006, I noticed that the Office Action Summary stated this action was a non-final action, however, in the Conclusion section on page 14 it stated "THIS ACTION IS MADE FINAL". On February 16, 2006, I contacted Examiner Pierre

and requested clarification whether this was a non-final action or a final action. Examiner Pierre stated that it was a final office action. Examiner Pierre stated she would mail an Interview Summary documenting our conversation. No Interview Summary was received. The action was docketed as a final office action and forwarded to the Firm's attorney, Peter B. Manzo.

Attorney Manzo returned the file to me stating he had conducted a teleconference with Examiner Pierre. Examiner Pierre informed him that the office action dated February 9, 2006, was actually a **non-final action**. On April 13, 2006, I again contacted Examiner Pierre to request clarification of the action and to request re-issued of the office action. Examiner Pierre stated at this time that the action was a **non-final action**. I again documented the call with a Memo To File and returned the file to Attorney Manzo. No Notice of Appeal or Request for Continued Examination was docketed since Examiner Pierre stated the action dated February 9, 2006 was a **non-final action**.

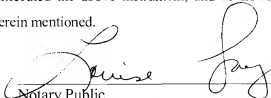
Sworn to and attested as follows at Dallas, Texas on Friday, February 2, 2007:

AFFIANT:



Monica Gamez

On this the 2nd day of February, 2007, personally appeared before me Monica Gamez, to me known to be the person named in and who executed the above instrument, and acknowledged that she executed the same for the uses and purposes therein mentioned.



Notary Public
My commission expires: Nov. 28/2009

(seal)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bantz et al.**

Serial No.: **09/852,110**

Filed: **May 9, 2001**

For: **Apparatus, System and Method
for Providing Speech Recognition
Assist in Call Handover**

§ Group Art Unit: **2626**

§

§ Examiner: **Pierre, Myriam**

§

§ Attorney Docket No.: **YOR920010328US1**

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AFFIDAVIT OF DELL WHITTON

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Dell Whitton, being of sound mind and legal age, and fully aware of the punishable nature of making untrue statements as Affiant herein, do hereby attest to personal knowledge of the following:

I am employed by the law firm of Yee & Associates, P.C. (the "Firm"), as a Paralegal, in which capacity I personally receive all Advisory Actions and Notices of Abandonment. Upon receipt of an Advisory Action or Notice of Abandonment, I verify accuracy of the Advisory Action and/or Notice of Abandonment on behalf of the Firm and IBM Corporation (the "Client").

On the mailing date of the Advisory Action in question, May 19, 2006, I was employed full time by the Firm. Upon receipt of the Advisory Action, I left a telephone message on June 15, 2006 for Examiner Pierre stating the no final office action was mailed and no Notice of Appeal was due

and that the Advisory Action was mailed in error and asked Examiner Pierre to return my call. I received no return call.

On June 28, 2006, I telephoned Examiner Pierre and again stated that no final office action was mailed and no Notice of Appeal was due and that the Advisory Action was mailed in error and asked Examiner Pierre to return my call. I received no return call.

On July 5, 2006, I spoke with Examiner Pierre and again explained that no final office action was mailed and no Notice of Appeal was due and that the Advisory Action was mailed in error. Examiner Pierre stated there was nothing the Firm needed to do and the Firm should wait until a new action is mailed.

On January 3, 2007, the Firm received a Notice of Abandonment informing applicant that the application had become abandoned due to failure to timely file a proper reply to the Office letter mailed on 02/09/06. It also states the reason(s) are: "Examiner left message with docket clerk 12/20/06 regarding the abandonment of this case, Del Whitton, examiner called again on 12/26/06 with no response." I was on vacation on December 20, 2006, however, there was no message on my voicemail for this application upon my return. I was in the office on December 26, 2006, however, no telephone call was transferred to me regarding this application and there was no message on my voicemail for this application.

Sworn to and attested as follows at Dallas, Texas on Friday, February 2, 2007:

AFFIANT:

Dell Whitton
Dell Whitton

On this the 2nd day of February, 2007, personally appeared before me Dell Whitton, to me known to be the person named in and who executed the above instrument, and acknowledged that she executed the same for the uses and purposes therein mentioned.

Louise Fay
Notary Public
My commission expires: Nov 28/09

(seal)





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,110	05/09/2001	David Frederick Bantz	YOR920010328US1	5012
35526	7590	02/09/2006		
DUKE. W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380				
EXAMINER PIERRE, MYRIAM				
ART UNIT		PAPER NUMBER		
2654				

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION

Client Name YOR920010328US1

File No.

DATE ACTION DOCKETED

05/09/06 01-10-06 REOA ROA

Docketed By mg Date 02-16-06Checked By CA Date 2-16-06Attorney Initials 31220

Office Action Summary

Application No.

09/852,110

Applicant(s)

BANTZ ET AL.

Examiner

Myriam Pierre

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,16-21,23-31 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,16-21,23-31 and 34-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed 11/28/2005, responsive to OA of 03/21/2005, the proposed changes are approved by the examiner; claims 14-15, and 32-33 are canceled; and claims 1, 21 and 39 are amended.

Response to Arguments

2. Applicant's arguments filed 11/28/2006 have been fully considered but they are not persuasive.

35 U.S.C. 102 Anticipation

Applicant argues that Engelke (6,594,346) do not teach analyzing the transcript to identify words of importance. Examiner respectfully disagrees, Engelke does teach transcription to identify the words of importance, col. 9 lines 14-46. The word of importance is the word that the hearing impaired user needs to have translated via close captioning, when translating from one language to another, the words of importance are the words needing to be translated.

Applicant argues that Engelke does not make reference to analyzing the transcript for any reason, examiner respectfully disagrees. Engelke does teach analyzing the transcript, such as when the transcript needs to be translated from one language to another, col. 9 lines 14-46.

Applicant argues that Engelke cannot be cited as teaching the features of Dragon Systems because Engelke does not teach the features of Dragon Systems, Dragon Systems cannot be referenced in Engelke as employing certain features. Examiner respectfully disagrees. Engelke does teach Dragon Systems which employs a variety of features, col. 6 lines 13-26.

Applicant request the examiner provide a reference, containing a date this is prior to the present invention's filing date of May 9, 2001, describing the features ascribed in the Final Office Action to Dragon Systems. Dragon Systems works in conjunction with a word processors via voice commands, thus, the aspect of word processing alone, such as via Microsoft, allows for the flexibility in text formatting. The advantage of a word processor is being able to edit text, such as fonts, highlights, and other cosmetic adjustments. The Dragon System works with a word processor and thus, allows the users to update or edit text via voice commands. Because Dragon Systems is well known in the art, Engelke has disclosed the benefit of using Dragon System, which employs the features and advantages for the hearing impaired via a word processor.

Applicant argues that Engelke makes no mention of training the voice recognition software to include speech input from the caller or other speaking third party. Examiner respectfully disagrees. Engelke does teach voice recognition software by providing Dragon System, Naturally Speaking, col. 6 lines 13-36.

Applicant argues that Engelke does not teach that the portion of the

communication that is transcribed includes speech input from the caller that initiated the communication as recited in claim 3, examiner respectfully disagrees. Engelke does teach transcription to identify the words of importance, col. 9 lines 14-46 and would inherently include speech input from the caller or the person who is slightly hearing impaired.

Applicant argues that Engelke makes no mention to training the voice recognition software to include speech input from the caller or other speaking third party. Examiner respectfully disagrees. Engelke does teach voice training from a call assistant, which is the third party or the caller, col. 6 lines 13-36.

Applicant argues that Engelke makes no reference to employing a reduced vocabulary of recognized words by the voice recognition system, the features of Dragon System are not taught by the Engelke reference as suggested by the examiner, examiner respectfully disagrees. Engelke does teach Dragon Systems, voice recognition package, col. 6 lines 25-36.

Applicant argues that Engelke does not teach that the words that are specific to communications typically handled by the first device as recited in claim 8, examiner respectfully disagrees. Engelke does teach words specific to communications as this is inherent to the voice recognition software of Dragon System, Naturally Speaking, col. 6 lines 25-36).

Applicant argues that Engelke makes no reference to automatically enabling the speech recognition function examiner respectfully disagrees. Engelke does teach Dragon Systems, voice recognition package, col. 6 lines 25-36.

Applicant argues that Engelke does not teach enabling the speech recognition function automatically upon the occurrence of a triggering even as recited in claim 9 and Engelke does not teach wherein the triggering even is receipt of the communication at the first device as further recited in claim 10, examiner respectfully disagrees. Engelke does teach Dragon Systems, voice recognition package, col. 6 lines 25-36, in which the system is triggered or activated in receipt of the first device.

35 U.S.C. 103 Obviousness, Dependent Claims 4-6, 16--20, 24-26, and 34-35

Applicant argues that Engelke does not teach or suggest analyzing the transcription to identify words of importance and displaying the transcription with words of importance. Examiner respectfully disagrees, Engelke does teach transcription to identify the words of importance, col. 9 lines 14-46. The word of importance is the word that the hearing impaired user needs to have transcribed via close captioning. The applicant arguments are based on the newly amended claims and are addressed in the claim rejection below.

Applicant argues that Beck (6,370,508) does not teach identify the organization or location of the first and second devices, examiner respectfully disagrees. Beck does teach providing the device using the first party and the second device are provided by a

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different entity. (Beck uses an "enterprise entity" which is defined as an agent, knowledgeable worker, or any other live attendant, so the party devices, either via telephone or WEB, can be different entities or workers column 18, line 6-10 and Fig 1

Applicant argues that neither Engelke nor Beck teach or suggest the recited claim 16 limitation, examiner respectfully disagrees. Beck et al. do teach providing the device using the first device and the second device are provided by a same entity. (Beck uses a "single entity" for string dialog which will occur between first and second devices, such as agent A and customer B, column 22, line 22-24 and Fig 3-4).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 7-13, 21, 23, 27-31, and 39 rejected under 35 U.S.C. 102(e) as being anticipated by Engelke (6,594,346).

As to claim 1, Engelke teaches

enabling a speech recognition function; using the speech recognition function to transcribe (col. 2 lines 51-52) a portion of the communication thereby generate transcription (col. 3 lines 25-29 and col. 6 lines 8-17), wherein the portion of the

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communication that is transcribed includes only speech input from a first call taker to the first device (personal interpreter or relay) (col. 5 lines 14-15; and 28-30) sending the transcription to the second device (telephone, visual display) when handing over the communication from the party device to the second device (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67).

analyzing the transcription to identify words of importance (col. 9 lines 14-26, when translating from one language to another, the words of importance are the words needed to be translated)

displaying the transcription on the first device with the words of importance conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font (col. 6 lines 25-36, Dragon System, employs the features and advantages for the hearing impaired via a word processor, the word processor inherently has features for editing text such as font style or color); and

Claim 21 is directed toward an apparatus to implement or execute the method of claim 1, and is similar in scope and content of claim 1, therefore, claim 21 is rejected under similar rationale.

Claim 39 is directed toward a computer program product with computer readable medium to implement or execute the method of claim 1, and is similar in scope and content of claim 1, therefore, claim 39 is rejected under similar rationale.

As to claims 3 and 23, which depend on claims 1 and 21, Engelke teaches

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the portion of the communication that is transcribed includes speech input from the caller that initiated the communication (col. 4 lines 43-44 and col. 5 lines 10-15 and 20).

As to claims 7 and 27, which depend on claims 1 and 21, Engelke teaches the speech recognition function is trained based on speech input from the first call taker (relay operator) associated with the first device (terminal or computer) (col. 6 lines 9-20).

As to claims 8 and 28, which depend on claims 1 and 21, Engelke teaches the speech recognition function makes use of a reduced vocabulary of recognized words that are specific to communications typically handled by the first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 9 and 29, which depend on claims 1 and 21, Engelke teaches enabling the speech recognition function automatically upon the occurrence of a triggering event (Dragon Systems, voice recognition package, col. 6 lines 25-36)

As to claims 10 and 30, which depend on claims 9 and 29, Engelke teaches wherein the triggering event is receipt of the communication at the first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 11 and 31, which depend on claims 1 and 21, Engelke teaches

enabling the speech recognition function is performed in response to a manual input from the first call taker associated with a first device (Fig. 3 element 12 and 14, col. 4 lines 1-7).

As to claim 12, which depends on claim 1, Engelke teaches displaying the transcription on a first device (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67).

As to claim 13, which depends on claim 1, Engelke teaches displaying the transcription on the second device after the transcription is received by the second device when handing over the communication from the first device to the second device (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4-6, 18-20, 24-26, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelke (6,594,346) further in view of Eisdorfer et al. (5,745,550).

As to claims 4 and 24, which depend on claims 1 and 21, Engelke teaches the first device is a first call taker workstation (Fig. 4).

Engelke does not specifically teach a second device for the work station in a call center as per claims 4 and 24.

However, Eisdorfer do teach caller taker workstation associated with a call center, and the second device being a second call taker workstation of the call center (Fig. 1 and col. 4 lines 56-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke, because Eisdorfer et al. teach that this would provide the user with additional expertise (such as additional expertise in multi-lingual communication), thus additional expertise is appropriate when a call taker does not speak the same language as the caller, and additional help is required by transferring the call to another work station who speaks/understands the language of the caller, col. 4 lines 56-67.

As to claims 5 and 25, which depend on claims 4 and 24, Engelke teaches first level of assistance (col. 2 lines 50-58) does not specifically teach second level of assistance.

However, Eisdorfer et al. do teach a second call taker associated with the second call taker workstation (Fig. 1) provides a second level of assistance (appropriate language speaking caller, col. 4 lines 42-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke, because Eisdorfer et al. teach that this would provide quick access to an expert, such as a person who speaks the same language as the caller, because this would effectively

provide the appropriate additional expertise needed to expedite the call, col. 4 lines 50-62.

As to claims 6 and 26, which depend on claims 5 and 25, Engelke teaches wherein the second level of assistance is more specialized than the first level of assistance (col. 4 lines 42-55; language according to the caller)

As to claims 18 and 36, which depend on claims 1 and 21,

Engelke teach transcription (col. 2 lines 50-55).

However, Engelke does not explicitly teach analyzing transcription for recommendations.

Eisdorfer et al. do teach analyzing the transcription to identify recommendations for handling the communication (col. 4 lines 27-40) and providing the recommendations to one of the first device and the second device (col. 8 lines 45-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke because Eisdorfer et al. teach that this would provide fast customer service, thus expertise level for the language is added to avoid excess transferring of calls, and to balance the CA, call assistant, work load, col. 4 lines 56-67 and col. 8 lines 6-11.

As to claims 19 and 37, which depend on claims 18 and 36,

Engelke teach analyzing the transcription (col. 2 lines 50-55).

Engelke does not specifically teach data mining.

However, Eisdorfer et al. do teach analyzing the transcription includes performing data mining (necessary in the “language determination module” Fig. 6-7) on the transcription (col. 4 lines 25-43)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke because Eisdorfer et al. teach that this would provide quick processing, because through data mining, the system accurately selects the language-specific parsers, which parse the messages in different languages, col. 4 lines 56-67 and col. 8 lines 6-11 and col. 7 lines 57-65.

As to claims 20 and 38, which depend on claims 18 and 36,

Engelke teach analyzing the transcription (col. 2 lines 50-55).

Engelke does not specifically teach identifying recommendations for handling communications.

However, Eisdorfer et al. do teach analyzing the transcription to identify recommendations for handling the communication includes using at least one of a neural network (Fig 1, col. 6 lines 56-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer et al. in the device of Engelke because Eisdorfer et al. teach that this would provide fast customer service by (network) routing the calls automatically, col. 6 lines 61-67.

7. Claims 16-17 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelke (6,594,346) as applied to claims 1, 21, and 39 above, and further in view of Beck et al. (6,370,508).

As to claims 16 and 34, which depend on claims 1 and 21, Engelke teach a first and second device (Fig. 1 elements 32 and 60).

However, Engelke does not specifically teach first and second device using the same entities.

Beck et al. do teach providing the device using the first device and the second device are provided by a same entity. (Beck uses a "single entity" for string dialog which will occur between first and second devices, such as agent A and customer B, column 22, line 22-24 and Fig 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Beck et al. in the device of Engelke because Beck et al. teach that this would provide easy accessing and therefore the same entities provide quick information via a party device, col. 18 lines 6-10 and col. 22 lines 18-27.

As to claims 17 and 35, which depend on claims 1 and 21, Engelke teaches a first and second device (Fig. 1 elements 32 and 60).

However, Engelke does not teach the first device and the second device are provided by different entities.

Beck does teach providing the device using the first party and the second device are provided by a different entity. (Beck uses an "enterprise entity" which is defined as

Art Unit: 2654

an agent, knowledgeable worker, or any other live attendant, so the party devices, either via telephone or WEB, can be different entities or workers column 18, line 6-10 and Fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Beck in the device of Engelke Beck et al. teach that this would provide the user with information in a personalized fashion based on the enterprise entity (different entities) such as a knowledgeable worker, a service person, or automated response action such as fax, IVR and automatic file downloads, col. 17 lines 60-65 and col. 18 lines 3-12.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

Art Unit: 2654

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MP

2/1/06


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

M E M O T O F I L E

TO: File
FROM: Monica Gamez
DATE: February 16, 2006
RE: YOR920010328US1

Per my conversation with Examiner Myriam Pierre regarding the above docket, the examiner stated that the office action is **FINAL**. She is to send, via first class mail, an interview summary to my attention.

THANKS! ☺

M E M O T O F I L E

TO: File

FROM: Monica Gamez

DATE: April 21, 2006

RE: YOR920010328US1

Per my conversation with Examiner Myriam Pierre on 04/13/06, regarding the above docket, the examiner stated that the office action is **NON-FINAL**. I informed her at the request of the assigned attorney to this docket, Peter Manzo, that he would like to have the office action re-issued with a new mailing date. She stated she would have to discuss the matter with her supervisor. On 04/19/06, Examiner Pierre called and stated that she still does not have an answer regarding the re-issue of the non-final office action. On 04/21/06, I called Examiner Pierre and informed her that after today I will be on vacation and will not return until 05/01/06, and I asked her to please contact Peter Manzo with a status.

THANKS! ☺

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To: Commissioner for Patents for Examiner Myriam Pierre Group Art Unit 2654	Facsimile No. 571/273-8300
From: Candace Crawford Legal Assistant to Peter Marino	No. of Pages Including Cover Sheet: 21
Enclosed herewith: • Transmittal; and • Response to Office Action.	
Re: Application Serial No. 09/852,119 Agency Docket No. YOR320018328431	
Date: Monday, May 08, 2006	
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From: Candace Crawford Legal Assistant to Peter Maggio	No. of Pages Including Cover Sheet: 21
Enclosed herewith: <ul style="list-style-type: none"> • Transmittal; and • Response to Office Action. 	
Re: Application Serial No. 09/851,110 Attorney Docket No. YOR920010328US1	
Date: Monday, May 08, 2006	
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**Yee &
Associates, P.C.**

4100 Alpha Road
Suite 1100
Dallas, Texas 75244

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To: Commissioner for Patents for Examiner Myriam Pierre Group Art Unit 2654	Facsimile No. 571/273-8300
From: Candace Crawford Legal Assistant to Peter Manzo	No. of Pages Including Cover Sheet: 21
Enclosed herewith: <ul style="list-style-type: none">• Transmittal; and• Response to Office Action.	
Re: Application Serial No. 09/852,110 Attorney Docket No. YOR920010328US1	
Date: Monday, May 08, 2006	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bantz et al.**

Serial No.: **09/852,110**

Filed: **May 9, 2001**

For: **Apparatus, System and Method
for Providing Speech Recognition
Assist in Call Handover**

§
§
§
§
§

Group Art Unit: **2654**

Examiner: **Myriam Pierre**

Attorney Docket No.: **YOR920010328US1**

35526

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

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By:


Candace Crawford

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:
ENCLOSED HERewith:

- Response to Office Action

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0510.

Respectfully submitted,


Peter B. Manzo

Registration No. 54,700

Duke W. Yee

Registration No. 34,285

YEE & ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEYS FOR APPLICANTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bantz et al.**

Serial No.: **09/852,110**

Filed: **May 9, 2001**

For: **Apparatus, System and Method for
Providing Speech Recognition Assist in Call
Handover**

§ Group Art Unit: **2654**

§ Examiner: **Myriam Pierre**

§ Attorney Docket No.: **YOR920010328US1**

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Alexandria, VA 22313-1450, facsimile number (571) 273-8300
on May 8, 2006.

By:

Candace Crawford
Candace Crawford

RESPONSE TO OFFICE ACTION

Sir:

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0510.

In response to the Final Office Action of February 9, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of handing over a communication from a first device to a second device, comprising:

enabling a speech recognition function;

using the speech recognition function to transcribe a portion of the communication to thereby generate a transcription, wherein the portion of the communication that is transcribed includes only speech input from a first call taker to the first device;

analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary;

displaying the transcription on the first device with the words of importance automatically and conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font; and

sending the transcription with the words of importance identified to the second device when handing over the communication from the first device to the second device.

2. (Canceled)

3. (Previously Presented) The method of claim 1, wherein the portion of the communication that is transcribed includes speech input from a caller that initiated the communication.

4. (Previously Presented) The method of claim 1, wherein the first device is a first call taker workstation associated with a call center and the second device is a second call taker workstation of the call center.

5. (Previously Presented) The method of claim 4, wherein the first call taker associated with the first call taker workstation provides a first level of assistance and a second call taker associated with the second call taker workstation provides a second level of assistance.

6. (Original) The method of claim 5, wherein the second level of assistance is more specialized than the first level of assistance.
7. (Previously Presented) The method of claim 1, wherein the speech recognition function is trained based on speech input from the first call taker associated with the first device.
8. (Previously Presented) The method of claim 1, wherein the speech recognition function makes use of a reduced size vocabulary of recognized words that are specific to communications typically handled by the first device.
9. (Original) The method of claim 1, wherein the step of enabling the speech recognition function is performed automatically upon the occurrence of a triggering event.
10. (Previously Presented) The method of claim 9, wherein the triggering event is receipt of the communication at the first device.
11. (Previously Presented) The method of claim 1, wherein the step of enabling the speech recognition function is performed in response to a manual input from the first call taker associated with the first device.
12. (Canceled)
13. (Previously Presented) The method of claim 1, further comprising:
displaying the transcription on the second device after the transcription is received by the second device when handing over the communication from the first device to the second device.
- 14-15. (Canceled)
16. (Previously Presented) The method of claim 1, wherein the first device and the second device are provided by a same entity.
17. (Previously Presented) The method of claim 1, wherein the first device and the second device are provided by different entities.

18. (Previously Presented) The method of claim 1, further comprising:
analyzing the transcription to identify recommendations for handling the communication; and
providing the recommendations to one of the first device and the second device.
19. (Original) The method of claim 18, wherein analyzing the transcription includes performing data mining on the transcription.
20. (Previously Presented) The method of claim 18, wherein analyzing the transcription to identify recommendations for handling the communication includes using at least one of an expert system, a neural network, and a rule-based system to identify the recommendations.
21. (Currently Amended) An apparatus for handing over a communication from a first device to a second device, comprising:
a controller; and
an interface coupled to the controller, wherein the controller enables a speech recognition function, uses the speech recognition function to transcribe a portion of the communication to thereby generate a transcription, wherein the portion of the communication that is transcribed includes only speech input from a first call taker to the first device, analyzes the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary, displays the transcription on the first device with the words of importance automatically and conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font, and sends the transcription with the words of importance identified via the interface to the second device when handing over the communication from the first device to the second device.
22. (Canceled)
23. (Previously Presented) The apparatus of claim 21, wherein the portion of the communication that is transcribed includes speech input from a caller that initiated the communication.
24. (Previously Presented) The apparatus of claim 21, wherein the first device is a first call taker workstation associated with a call center and the second device is a second call taker workstation of the call center.

25. (Previously Presented) The apparatus of claim 24, wherein the first call taker associated with the first call taker workstation provides a first level of assistance and a second call taker associated with the second call taker workstation provides a second level of assistance.
26. (Original) The apparatus of claim 25, wherein the second level of assistance is more specialized than the first level of assistance.
27. (Previously Presented) The apparatus of claim 21, wherein the speech recognition function is trained based on speech input from the first call taker associated with the first device.
28. (Previously Presented) The apparatus of claim 21, wherein the speech recognition function makes use of a reduced size vocabulary of recognized words that are specific to communications typically handled by the first device.
29. (Original) The apparatus of claim 21, wherein the controller enables the speech recognition function automatically upon the occurrence of a triggering event.
30. (Previously Presented) The apparatus of claim 29, wherein the triggering event is receipt of the communication at the first device.
31. (Previously Presented) The apparatus of claim 21, wherein the controller enables the speech recognition function in response to a manual input from the first call taker associated with the first device.
- 32-33. (Canceled)
34. (Previously Presented) The apparatus of claim 21, wherein the first device and the second device are provided by a same entity.
35. (Previously Presented) The apparatus of claim 21, wherein the first device and the second device are provided by different entities.
36. (Previously Presented) The apparatus of claim 21, further comprising a transcription analysis device that analyzes the transcription to identify recommendations for handling the communication,

wherein the transcription analysis device provides the recommendations to one of the first device and the second device.

37. (Original) The apparatus of claim 36, wherein the transcription analysis device analyzes the transcription using data mining on the transcription.

38. (Previously Presented) The apparatus of claim 36, wherein the transcription analysis device analyzes the transcription to identify recommendations for handling the communication using at least one of an expert system, a neural network, and a rule-based system to identify the recommendations.

39. (Currently Amended) A computer program product in a computer readable medium for handing over a communication from a first device to a second device, comprising:

first instructions for enabling a speech recognition function;

second instructions for using the speech recognition function to transcribe a portion of the communication to thereby generate a transcription, wherein the portion of the communication that is transcribed includes only speech input from a first call taker to the first device;

third instructions for analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary;

fourth instructions for displaying the transcription on the first device with the words of importance automatically and conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font; and

fifth instructions for sending the transcription with the words of importance identified to the second device when handing over the communication from the first device to the second device.

REMARKS/ARGUMENTS

Claims 1, 3-11, 13, 16-21, 23-31, and 34-39 are pending in the present application. Claims 1, 21, and 39 are amended. Claim 12 is canceled. Reconsideration of the claims is respectfully requested.

I. Telephonic Interview with Examiner Pierre on April 4, 2006

Applicants thanks Examiner Myriam Pierre for the courtesy extended to Applicants' representative during the April 4, 2006 telephonic interview. During the teleconference, the Examiner and Applicants' representative discussed the finality of the Office Action dated February 9, 2006 because on the Office Action Summary Form the status is indicated as a non-final action but in the conclusion of the Office Action on page 8, item 8, the status is indicated as a final action. In addition, the Transaction History and the Image File Wrapper in the PAIR system differ as well. Specifically, the Transaction History indicates that the action is final, whereas, the Image File Wrapper indicates that the action is non-final. Examiner Pierre confirmed during the teleconference that the action is non-final.

II. 35 U.S.C. § 102, Anticipation, Claims 1, 3, 7-13, 21, 23, 27-31, and 39

The Examiner has rejected claims 1, 3, 7-13, 21, 23, 27-31, and 39 under 35 U.S.C. § 102 as being anticipated by Engelke, U.S. Patent No. 6,594,346 ("Engelke"). This rejection is respectfully traversed. Claim 12 is canceled by this Response to Office Action. Therefore, the rejection of claim 12 under 35 U.S.C. § 102 is now moot.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not shown in the cited reference as arranged in the claims.

Amended independent claim 1 of the present invention, which is representative of amended independent claims 21 and 39, reads as follows:

1. A method of handing over a communication from a first device to a second device, comprising:
 - enabling a speech recognition function;
 - using the speech recognition function to transcribe a portion of the communication to thereby generate a transcription, wherein the portion of the

communication that is transcribed includes only speech input from a first call taker to the first device;

analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary;

displaying the transcription on the first device with the words of importance automatically and conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font; and

sending the transcription with the words of importance identified to the second device when handing over the communication from the first device to the second device.

With regard to claim 1, the Examiner states:

As to claim 1, Engelke teaches

enabling a speech recognition function; using the speech recognition function to transcribe (col. 2 lines 51-52) a portion of the communication thereby generate transcription (col. 3 lines 25-29 and col. 6 lines 8-17), wherein the portion of the communication that is transcribed includes only speech input from a first call taker to the first device (personal interpreter or relay) (col. 5 lines 14-15; and 28-30) sending the transcription to the second device (telephone, visual display) when handing over the communication from the party device to the second device (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67).

analyzing the transcription to identify words of importance (col. 9 lines 14-26, when translating from one language to another, the words of importance are the words needed to be translated)

displaying the transcription on the first device with the words of importance conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font (col. 6 lines 25-36, Dragon System, employs the features and advantages for the hearing impaired via a word processor, the word processor inherently has features for editing text such as font style or color); and

Office Action, dated February 9, 2006, pages 6 and 7.

Engelke teaches “a relay system to facilitate the translation of information and communication between deaf and hearing persons, which includes a call assistant who re-voices the words of the hearing person which are spoken to the call assistant. The words spoken by the call assistant are recognized by a speech recognition computer program which has been trained to the voice pattern of the call assistant, such that the words are promptly translated into text and formatted into a high speed digital communication protocol. That high speed digital communication message is then transmitted electronically promptly by telephone to a visual display accessible to the deaf person.” Engelke, column 2, lines 46-58. In addition, Engelke teaches that it is “important for the voice recognition system to be capable of transcribing the words of the voice of the call assistant at the speed of a normal human communication.” A commercially available “voice recognition package from Dragon Systems, known as ‘Naturally Speaking,’ is a voice recognition software which will accomplish this objective and which will

translate to digital text spoken words of a user at the normal speeds of human communication in conversation when operating on conventional modem personal computers.” Engelke, column 6, lines 24-34. In other words, Engelke teaches the use of a voice recognition system, such as Dragon Systems’ Naturally Speaking, to transcribe communication from a call assistant, who re-voices the words spoken to the call assistant from a caller to a deaf person, in order for the transcribed communication to be seen on the deaf person’s visual display.

In contrast, as amended, the present invention recites in claim 1 using a speech recognition function to transcribe a communication, analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary, and displaying the transcription with the words of importance automatically and conspicuously identified in a display by highlighting. In other words, in addition to transcribing spoken communication using a speech recognition function, claim 1 recites analyzing the transcription in order to only highlight words of importance within the transcription. The highlighted words of importance are determined by comparing the entire transcript with a vocabulary that is associated with the second device. For example, a vocabulary that is limited to technical support personnel receiving telephone calls from customers for video card products may include vocabulary, such as “video,” “card,” “screen,” and “computer.” These limited vocabulary words when transcribed during the technical support telephone conversation, are automatically highlighted in the technical support transcription. However, other spoken words, such as “hello,” “Jim,” “mad,” and “good-bye” when transcribed will not be highlighted within the transcription. Furthermore, these highlighted words of importance are automatically and conspicuously displayed in a different color, different size font, or different style font from the rest of the words contained in the transcription as further recited in amended claim 1. Support for these features is found in the specification on page 15, lines 1-28 and page 22, lines 1-14.

Even though Engelke teaches using a voice recognition system for the purpose of producing a transcript of a spoken communication and displaying the transcript on another device, Engelke does not teach analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary as recited in claim 1. The Examiner cites Engelke, column 9, lines 14-26 as teaching analyzing a transcript to “translate from one language to another” and that “the words of importance are the words that need to be translated.” Office Action, page 7. This Examiner-cited passage reads as follows:

While the utilization of the re-voicing relay is particularly intended to be helpful for the personal interpreter and captioned telephone applications, it is not intended to be limited to those particular applications. For example, the voice to text capability of the re-voicing relay makes the use of such a relay attractive for some business purposes, such as creating a text record of a business negotiation or interview session, conducted over or merely in the presence of a telephone. If the call assistant is a simultaneous translator from one spoken language to another, the relay can be used to conduct language translations assisted by text transcriptions. The voice delay relay can be used to present text nearly simultaneously to voice for such applications. [Emphasis added].

Engelke, column 9, lines 14-26.

As the passage indicates above, the system as taught by Engelke merely produces and displays a transcript of a telephone conversation, such as a business negotiation, an interview session, or a language translation. In the case of a language translation over the telephone, the call assistant provides the language translation capability at the re-voicing relay. The text transcription of the language translation is a transcript of the words translated and spoken by the call assistant at the re-voicing relay. To rephrase the Examiner-cited passage above, the re-voicing relay uses the call assistant to conduct language translations and the language translations conducted by the call assistant are assisted, or complemented, by a textual transcription of the call assistant's language translation. The Examiner misinterprets the Engelke passage above as teaching that the re-voicing relay itself analyzes a transcript of the call assistant's dialog in order to perform a language translation of the call assistant's transcript. The consistent teaching throughout the Engelke reference is that the call assistant's spoken words are transcribed and nothing more. Engelke makes no reference to analyzing the transcript for any reason. Because Engelke does not teach analyzing the transcription to identify words of importance, Engelke cannot teach displaying the transcript with the words of importance automatically and conspicuously identified in the display by highlighting as further recited in claim 1.

Even if, for the sake of argument, Engelke teaches that the re-voicing relay translates the call assistant's transcription into another language, which Engelke does not, the entire transcription would need to be translated for a proper translation to occur. Consequently in this scenario, the re-voicing relay must consider each and every word in the call assistant's transcription as a word of importance for translation. Therefore, the re-voicing relay would not need to perform analysis of the transcription to identify words of importance because every word in the transcription would be a word of importance for the purpose of translation. In addition, each and every word in the translated transcription would appear in the same text format because each and every word is a word of importance for the translation. Thus, in this scenario, no words in the translated transcription would be conspicuously displayed as words of importance within the transcription as recited in claim 1.

The Examiner cites Dragon Systems, which Engelke references, as teaching certain limitations recited in amended claim 1. Specifically, the Examiner states, "Engelke does teach Dragon Systems which employs a variety of features, col. 6 lines 13-26." Office Action, page 3. This Examiner-cited passage regarding Dragon Systems reads as follows:

The computer 42 has been provided with a voice recognition software package which can recognize the spoken voice of the call assistant and immediately translate words spoken in that voice into a digital text communication stream. It is a limitation of currently available speech recognition software that the software must be trained or adapted to a particular user, before it can accurately transcribe what words the user speaks. Accordingly, it is envisioned here that the call assistant operates at a computer terminal which contains a copy of a voice recognition software package which is specifically trained to the voice of that particular call assistant. It is also important that the voice recognition system be capable of transcribing the words of the voice of the call assistant at the speed of a normal human communication. It has been found that a recently available commercial voice recognition package from Dragon Systems, known as "Naturally Speaking," is a voice recognition software which will accomplish this objective and which will translate to digital text spoken words of a user at the normal speeds of human communication in conversation when operating on conventional modem personal computers. A voice recognition software system known as "Via Voice" from IBM provides similar functionality. [Emphasis added].

Engelke, column 6, lines 13-36.

As is evident from the passage above, Engelke merely teaches that Dragon Systems is a voice recognition software and that Dragon Systems is capable of translating the spoken words of the call assistant at the speed of normal speech. The Engelke reference does not discuss, describe, or attribute any other features to Dragon Systems. Consequently, Engelke cannot be cited as teaching the features of Dragon Systems other than that of translating spoken words into text. If Dragon Systems does teach features of claim 1, then Applicants respectfully request that the Examiner provide a reference, containing a date prior to the present invention's filing date of May 9, 2001, which describes these Dragon Systems features recited in claim 1.

The Examiner states:

Dragon Systems works in conjunction with a word processors via voice commands, thus, the aspect of word processing alone, such as via Microsoft, allows for the flexibility in text formatting. The advantage of a word processor is being able to edit text, such as fonts, highlights, and other cosmetic adjustments. The Dragon System works with a word processor and thus, allows the users to update or edit text via voice commands. Because Dragon Systems is well known in the art, Engelke has disclosed the benefit of using Dragon System, which employs the features and advantages for the hearing impaired via a word processor.

In addition, the Examiner states that:

displaying the transcription on the first device with the words of importance conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font (col. 6 lines 25-36, Dragon System, employs the features and advantages for the hearing impaired via a word processor, the word processor inherently has features for editing text such as font style or color).

Office Action, dated February 9, 2006, pages 3 and 7, respectively.

Even if Dragon Systems has the capability to work in conjunction with a separate word processing system, which Applicants do not stipulate to here because the Engelke reference makes no reference to such, neither Dragon Systems nor the separate word processing system has the ability to analyze the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary and display the transcription on the first device with the words of importance automatically and conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font as recited in amended claim 1. Further, even though a word processing system has the ability to edit text, such as font style or color, a user of the word processing system must first identify words of importance and then provide a user input to change the format of the user identified words of importance. As a result, the word processing system cannot highlight words within a transcription without a user input, whereas, words of importance identified by the method recited in claim 1 are automatically and conspicuously highlighted within the transcription.

Furthermore, the Examiner states, "The Dragon System works with a word processor and thus, allows the users to update or edit text via voice commands." Office Action, page 3. [Emphasis added]. In other words, even if Dragon Systems can be combined with a separate word processing system, a user must still provide a user input, such as a voice command, to identify the words of importance by changing the format of the words of importance from the other words in the text. Consequently, Dragon Systems and the word processing system, either individually or in combination, cannot reach the present invention because claim 1 recites automatically and conspicuously highlighting words of importance within the transcription. In addition, Applicants do not stipulate that Dragon Systems has the capacity to make textual format changes within a transcription via voice command since the Engelke reference does not teach this Dragon System feature.

Therefore, Engelke does not identically teach each and every element recited in amended claim 1 of the present invention. Accordingly, the rejection of independent claims 1, 21, and 39 as being anticipated by Engelke has been overcome.

In view of the arguments above, amended independent claims 1, 21, and 39 are in condition for allowance. Claims 3, 7-13, 23, and 27-31 are dependent claims depending on independent claims 1 and 21, respectively. Consequently, claims 3, 7-13, 23, and 27-31 also are allowable, at least by virtue of their dependence on allowable claims. Furthermore, these dependent claims also contain additional features not taught by Engelke.

For example, claim 3 of the present invention, which is representative of claim 23, reads as follows:

3. The method of claim 1, wherein the portion of the communication that is transcribed includes speech input from a caller that initiated the communication.

With regard to claims 3, the Examiner states:

As to claims 3 and 23, which depend on claims 1 and 21, Engelke teaches the portion of the communication that is transcribed includes speech input from the caller that initiated the communication (col. 4 lines 43-44 and col. 5 lines 10-15 and 20).

Office Action, dated February 9, 2006, pages 7 and 8.

Engelke teaches in column 4, lines 43-48 that a deaf person could carry a personal interpreter and go into an establishment, place the personal interpreter upon a counter, open it up, and press the initiation key or start button. The deaf person can use the personal interpreter to translate words spoken in the presence of the personal interpreter into visibly readable text. This is accomplished by the personal interpreter through a relay. Engelke, column 5, lines 10-13. The relay provides the voice to text capability for the personal interpreter. Engelke, column 5, lines 50 and 51. The call assistant at the relay re-voices the words spoken by the caller into a computer operating a voice recognition software package trained to the voice of the call assistant. Engelke, Abstract.

The Examiner also states with regard to claim 3, "Engelke does teach transcription to identify the words of importance, col. 9 lines 14-26 and would inherently include speech input from the caller or the person who is slightly hearing impaired." Office Action, page 4. This Examiner-cited passage from Engelke is shown above. In this passage, Engelke teaches that the voice recognition software is only trained on the call assistant's voice at the re-voicing relay. Engelke makes no mention of training the voice recognition software to include speech input from the caller or other speaking third party.

The Examiner further states with regard to claim 3, "Engelke does teach voice training from a call assistant, which is the third party or the caller, col. 6 lines 13-36." Office Action, page 4. This Examiner-cited passage from Engelke also is shown above. In this passage, Engelke teaches that the voice recognition software is specifically trained to the voice of that particular call assistant at the re-voicing relay. No reference is made in Engelke that the call assistant at the re-voicing relay is a third party caller. If, for the sake of argument, the call assistant was the caller, the call assistant is considered as a second

party and not as a third party. In addition, the voice recognition software is still only trained on the call assistant's voice and no other.

In contrast, the present invention recites in claim 1, which claim 3 depends upon, that the portion of the communication that is transcribed includes only speech input from a first call taker to the first device. Claim 3 then goes on to recite that the portion of the communication that is transcribed includes speech input from the caller that initiated the communication. As a result, the method recited by the present invention transcribes speech input from the first call taker and/or the caller, whereas, the method as taught by Engelke only transcribes speech input from the call assistant. Hence, Engelke does not teach that the portion of the communication that is transcribed includes speech input from the caller that initiated the communication as recited in claim 3.

As a further example, claim 8 of the present invention, which is representative of claim 28, reads as follows:

8. The method of claim 1, wherein the speech recognition function makes use of a reduced size vocabulary of recognized words that are specific to communications typically handled by the first device.

With regard to claims 8, the Examiner states:

As to claims 8 and 28, which depend on claims 1 and 21, Engelke teaches the speech recognition function makes use of a reduced vocabulary of recognized words that are specific to communications typically handled by the first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

Office Action, dated February 9, 2006, page 8.

This passage cited by the Examiner as teaching the features of claim 8 is shown above. This passage from Engelke makes no reference to employing a reduced vocabulary of recognized words by the voice recognition system. As previously discussed above, the Dragon Systems features are not taught by the Engelke reference. Engelke only teaches that the Dragon System is a voice recognition software package that translates speech to text at the speed of normal conversation. Engelke does not teach that the voice recognition software makes use of a reduced size vocabulary of recognized words that are specific to communications typically handled by the first device as recited in claim 8. Consequently, Engelke does not teach this recited claim 8 feature.

As a further example, claims 9 and 10 of the present invention, which are representative of claims 29 and 30, respectively, reads as follows:

9. The method of claim 1, wherein the step of enabling the speech recognition function is performed automatically upon the occurrence of a triggering event.

10. The method of claim 9, wherein the triggering event is receipt of the communication at the first device.

With regard to claims 9 and 10, the Examiner states:

As to claims 9 and 29, which depend on claims 1 and 21, Engelke teaches enabling the speech recognition function automatically upon the occurrence of a triggering event (Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 10 and 30, which depend on claims 1 and 21, Engelke teaches wherein the triggering event is receipt of the communication at the first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

Office Action, dated February 9, 2006, page 8.

Engelke makes no reference to automatically enabling the voice recognition software. Again, the features of the Dragon Systems are not taught by the Engelke reference as suggested by the Examiner. As a result, Engelke does not teach enabling the speech recognition function automatically upon the occurrence of a triggering event as recited in claim 9. Because Engelke does not teach enabling the speech recognition function automatically upon the occurrence of a triggering event, Engelke cannot teach wherein the triggering event is receipt of the communication at the first device as further recited in claim 10 of the present invention. Thus, Engelke does not teach the features recited in claims 9 and 10.

Consequently, Engelke does not identically teach each and every limitation of the above recited claims. Accordingly, the rejection of claims 1, 3, 7-13, 21, 23, 27-31, and 39 as being anticipated by Engelke has been overcome.

III. 35 U.S.C. § 103, Obviousness, Dependent Claims 4-6, 18-20, 24-26, and 36-38

The Examiner has rejected dependent claims 4-6, 18-20, 24-26, and 36-38 under 35 U.S.C. § 103 as being unpatentable over Engelke further in view of Eisdorfer et al., U.S. Patent No. 5,745,550 ("Eisdorfer"). This rejection is respectfully traversed.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). In this case, the Examiner has not met this burden because all of the features of these claims are not found in the cited references as believed by the Examiner. Therefore, the combination of Engelke and Eisdorfer would not reach the presently claimed invention recited in these claims.

As shown in Section II above, Engelke does not teach or suggest all claim limitations recited in amended independent claims 1, 21, and 39 of the present invention. In particular, Engelke does not teach

or suggest analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary, and displaying the transcription with the words of importance automatically and conspicuously identified in a display by highlighting as recited in the amended independent claims. These above recited features also are not taught or suggested by Eisdorfer.

Therefore, since neither Engelke nor Eisdorfer teach or suggest analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary, and displaying the transcription with the words of importance automatically and conspicuously identified in a display by highlighting as recited in amended independent claims 1, 21, and 39 of the present invention, then the combination of Engelke and Eisdorfer cannot teach or suggest these recited features. As a result, dependent claims 4-6, 18-20, 24-26, and 36-38 of the present invention also are allowable, at least by virtue of their dependence upon allowable claims. Accordingly, the rejection of claims 4-6, 18-20, 24-26, and 36-38 as being unpatentable over Engelke as applied to independent claims 1, 21, and 39 and further in view of Eisdorfer has been overcome.

IV. 35 U.S.C. § 103, Obviousness, Dependent Claims 16-17 and 34-35

The Examiner has rejected dependent claims 16-17 and 34-35 under 35 U.S.C. § 103 as being unpatentable over Engelke as applied to claims 1, 21, and 39 above, and further in view of Beck et al., U.S. Patent No. 6,370,508 ("Beck"). This rejection is respectfully traversed.

As shown in Section II above, Engelke does not teach or suggest all claim limitations recited in amended independent claims 1, 21, and 39 of the present invention. In particular, Engelke does not teach or suggest analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary, and displaying the transcription with the words of importance automatically and conspicuously identified in a display by highlighting as recited in the amended independent claims. These above recited features also are not taught or suggested by Beck.

Therefore, because neither Engelke nor Beck teach or suggest analyzing the transcription to identify words of importance by comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary, and displaying the transcription with the words of importance automatically and conspicuously identified in a display by highlighting as recited in amended independent claims 1, 21, and 39 of the present invention, the combination of Engelke and Beck cannot teach or suggest these recited features. As a result, dependent claims 16, 17, 34, and 35 of the present invention also are allowable, at

least by virtue of their dependence upon allowable claims. Furthermore, these dependent claims also contain additional features not taught by Engelke and Beck.

For example, claim 16 of the present invention, which is representative of claim 34, reads as follows:

16. The method of claim 1, wherein the first device and the second device are provided by a same entity.

With regard to claims 16, the Examiner states:

As to claims 16 and 34, which depend on claims 1 and 21, Engelke teaches a first and second device (Fig. 1 elements 32 and 60).

However, Engelke does not specifically teach first and second device using the same entities.

Beck et al. do teach providing the device using the first device and the second device are provided by a same entity. (Beck uses a "single entity" for string dialog which will occur between first and second devices, such as agent A and customer B, column 22, line 22-24 and Fig 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Beck et al. in the device of Engelke because Beck et al. teach that this would provide easy accessing and therefore the same entities provide quick information via a party device, col. 18 lines 6-10 and col. 22 lines 18-27.

Office Action, dated February 9, 2006, page 13.

Engelke teaches a relay system for facilitating communication through the telephone system between hearing users and users who need or desire assistance in understanding voice communications. Engelke, Abstract. "Shown in FIG. 4 is an illustration of how a typical telephone call involving a captioned telephone would be set up. The hearing user at telephone 62 communicates through a telephone line 64 with the relay, indicated at 66. The relay, a re-voicing relay, communicates through a telephone line 68 with the assisted user. At the site of the assisted user is a telephone 70 used by the assisted user and also a captioned telephone device 72." Engelke, column 8, line 63 – column 9, line 3 and Figure 4. In other words, Engelke teaches that a re-voicing relay is provided in a telephone system between a telephone caller and an impaired hearing telephone user. Hence, the re-voicing relay device and captioned telephone device are not within the same organization or in the same location. Moreover, Applicants agree with the Examiner that Engelke does not specifically teach first and second device using the same entities.

Beck teaches a system that "provides a facility for adapting an operation system for a multimedia call center to specific business practices and rules for a host enterprise within a broad set of possibilities, wherein business procedures, such as logical and calculation intensive procedures, may be accomplished

more or less automatically with little if any human intervention.” Beck, column 5, lines 23-30. Further, Beck teaches:

Once a call or other communication event registers at either a switch or a routing server, a customer-interaction network operating system (CINOS) immediately identifies the media type associated with the call and begins its processes depending on enterprise rules. For example, a connection oriented switched telephony call may first be routed to an interactive voice response (IVR) whereby the customer can be presented with varying choices such as leaving a voice message, waiting in queue, receiving a call back, or perhaps an e-mail, and so on. Interaction by an IVR in this instance, will preferably be via voice recognition technique such as is known in the art, but may also be via touch tone response or other known method. As previously described, the caller may elect from a number of options, such as to hold for a next available agent, select an automated response such as a fax back, or perhaps a later agent –initiated response such as an e-mail or call back. In all cases, CINOS seamlessly processes and executed the logic required to accomplish the goal of the caller in a media and application-independent fashion.

Beck, column 8, lines 44-61.

In other words, Beck teaches that the caller is first routed to an interactive voice response unit whereby the customer can be presented with varying choices. Thus, the customer using a calling device is routed to an interactive voice response device/agent that is located in a different location. Also, the customer and interactive voice response device or agent are not part of the same organization or entity. However, the Examiner alleges that “Beck uses a ‘single entity’ for string dialog which will occur between first and second devices, such as agent A and customer B, column 22, line 22-24 and Fig 3-4.” Office Action, page 13. Beck teaches that Figure 8 is an illustration of a relational diagram as might be displayed on a display monitor, representing **entities stored in the database**. [Emphasis added]. Beck, column 22, lines 4-6. Further, Beck, column 22, lines 18-24, reads as follows:

Threaded dialog as is known in prior art involves a system of strings or threads that are identified as being inherent to a **single entity or subject matter** wherein the dialog (questions and replies) is about that subject or about a question or subject that an entity has brought forth. A threaded dialog may be finite dialog (is closed at some point) or it may be ongoing. [Emphasis added].

In other words, the single entity referenced in this Examiner-cited passage from Beck identifies the dialog subject matter stored in the database and does not identify the organization or location of the first and second devices.

Furthermore, the Examiner states that the “string dialog occurs between first and second devices, such as agent A and customer B.” Office Action, pages 6 and 13. Assuming the Examiner means that agent A is the first device and customer B is the second device, Beck does not teach or suggest that the agent A first device and customer B second device are provided by the same entity. In contrast, claim 16

recites that the first device and the second device are provided by the same entity. In other words, the first and second devices in the present invention are both a part of the same support organization. Support for this claim 16 feature may be found in the specification on page 20, lines 22-24. Therefore, neither Engelke nor Beck teach or suggest this recited claim 16 feature.

Accordingly, in view of the arguments above, the rejection of dependent claims 16, 17, 34, and 35 as being unpatentable over Engelke as applied to independent claims 1, 21, and 39 and further in view of Beck has been overcome.

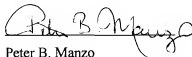
V. **Conclusion**

It is respectfully urged that the subject application is patentable over the cited prior art references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: May 8, 2006

Respectfully submitted,



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,110	05/09/2001	David Frederick Bantz	YOR920010328US1	5012
35526 7590 05/19/2006				
DUKE, W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380				
EXAMINER PIERRE, MYRIAM				
ART UNIT PAPER NUMBER 2626				

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.	Applicant(s)	
09/852,110	BANTZ ET AL	
Examiner	Art Unit	
Myriam Pierre	2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

- 1 ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

- 2 ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

- 3 ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____ (See 37 CFR 1.116 and 41.33(a)).

- 4 ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5 ☐ Applicant's reply has overcome the following rejection(s): _____.
 6 ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7 ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: 1-39
 Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

- 8 ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9 ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10 ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

- 11 ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because _____.
 12 ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449: Paper No(s) _____.
 13 ☒ Other: See Continuation Sheet


**RICHEMOND DORVIL
 SUPERVISORY PATENT EXAMINER**

Continuation of 13. Other: The limitation "comparing the transcription with a vocabulary associated with the second device, wherein the words of importance are words that appear in both the transcription and the vocabulary" introduces new features which alter the scope of the claim and would require a further search and/or consideration.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,110	05/09/2001	David Frederick Bantz	YOR920010328US1	5012

35526 7590 01/03/2007
DUKE. W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

PIERRE, MYRIAM

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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01/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/852,110

Examiner

Myriam Pierre

Applicant(s)

BANTZ ET AL.

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02/09/06.

(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

- (b) ☒ A proposed reply was received on 08 May 2006, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.)

- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

- (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.

- (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

- (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

Examiner left message with docket clerk 12/20/06 regarding the abandonment of this case, Del Whitton, examiner called again on 12/26/06 with no response.

Angela Armstrong
ANGELA ARMSTRONG
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.